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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91227447
Party	Defendant VU Group LLC
Correspondence Address	VU GROUP LLC 2800 KNIGHT STREET DALLAS, TX 75219 UNITED STATES
Submission	Answer
Filer's Name	Moshe D. Lapin
Filer's e-mail	Moshe@LanternLegal.com
Signature	/MDL/
Date	05/31/2016
Attachments	Varsity Underground Answer to Opposition 5.31.16.pdf(63010 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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)	
Varsity Brands, LLC)	
Varsity Spirit Fashions & Supplies, LLC)	
Varsity Spirit, LLC)	
)	
Opposers,)	
)	
Vs.)	Opposition No. 91227447
)	
VU Group LLC)	
)	
Applicant.)	
)	

TTAB
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

ANSWER TO NOTICE OF OPPOSITION

Applicant, VU Group LLC (“Applicant”), for its answer to the Notice of Opposition filed by Varsity Brands, LLC, Varsity Spirit Fashions & Supplies, LLC and Varsity Spirit, LLC (collectively, “Opposers”) against application for registration of Applicant’s trademark VARSITY UNDERGROUND, Serial Number 86524398, filed February 4, 2015 and published for opposition December 22, 2015, pleads and avers as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicant admits that Applicant seeks to register VARSITY UNDERGROUND in connection with “Marketing services, namely,

promoting or advertising the goods and services of others” with an alleged date of first use in commerce of February 15, 2008.

2. Answering paragraph 2 of the Notice of Opposition, Applicant admits that it is a Wyoming limited liability company with an address at 2800 Knight Street, Dallas, Texas 75219.
3. Answering paragraph 3 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
4. Answering paragraph 4 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
5. Answering paragraph 5 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
6. Answering the second paragraph 5 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
7. Answering paragraph 6 of the Notice of Opposition, Applicant denies the allegation contained therein.
8. Answering paragraph 7 of the Notice of Opposition, Applicant denies the allegation contained therein.
9. Answering paragraph 8 of the Notice of Opposition, Applicant denies the allegation contained therein.

10. Answering paragraph 9 of the Notice of Opposition, Applicant denies the allegation contained therein.

11. Answering paragraph 10 of the Notice of Opposition, Applicant denies the allegation contained therein.

AFFIRMATIVE DEFENSES

12. Applicant denies the material allegations of the Notice of Opposition.

13. Opposers' claims are barred because Opposers' have engaged in trademark misuse, including without limitation by inaccurate statements made by Opposers to the United States Patent and Trademark Office during the prosecution of Opposers' applications for registration.

14. Opposers' claims are barred by the doctrine of unclean hands.

15. Applicant reserves the right to amend his Answer and to assert additional affirmative or supplemental defenses after completion of further investigation and discovery.

In view of the foregoing, Applicant contends that this opposition is groundless and baseless in fact; that Opposers have not shown wherein it will be, or is likely to be, damaged by the registration of Applicant's trademark; and Applicant prays that this Opposition be dismissed and that Applicant be granted registration of its trademark.

Please recognize Moshe D. Lapin as the principal attorney for Applicant in this proceeding and
as the named correspondent.

Respectfully submitted,

A handwritten signature in blue ink, reading "Moshe D. Lapin", is positioned above a solid horizontal line.

Moshe D. Lapin
Natoli-Lapin, LLC
380 Lexington Ave.
17th Floor
New York, NY 10168
Tel: (212) 537-4436

Date: May 31, 2016

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the foregoing Answer to the Notice of Opposition is being submitted electronically through the Trademark Trial and Appeal Board's ESTTA System on this 31st day of May 2016.



Moshe D. Lapin
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Tel: (212) 537-4436

Date: May 31, 2016

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer to the Notice of Opposition has been served on Opposers by mailing said copy on May 31, 2016, via First Class Mail, postage prepaid to:

Deborah K. Squiers
Cowan, Liebowitz & Latman, P.C.
114 West 47th Street
New York, NY 10036



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Date: May 31, 2016